

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION

Regular Meeting, Monday, January 3, 2011

Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, R. Hall, K. Holt, G. Lewis (7:55-10:05 p.m.),  
P. Plante, B. Pociask, B. Ryan  
Members absent: M. Beal  
Alternates present: F. Loxsom, K. Rawn, V. Stearns-Ward  
Staff Present: Gregory J. Padick, Director of Planning, Curt Hirsch, Zoning Agent

Chairman Favretti called the meeting to order at 7:55 p.m. and appointed Loxsom to act in Beal's absence.

#### **Minutes:**

12-06-10 - Plante MOVED, Ryan seconded, to approve the 12/6/10 minutes as written. MOTION PASSED UNANIMOUSLY. Loxsom noted that he listened to the recording of the meeting.

#### **Public Hearing:**

##### **Application to amend the Zoning Regulations, Article VII, Section P, Uses Permitted in the Planned Business-5 Zone (proposed addition of Veterinary Hospitals) W. Ernst, applicant, PZC File # 1294**

Chairman Favretti opened the public hearing at 7:57 p.m. Members present were Favretti, Goodwin, Hall, Holt, Lewis, Plante, Pociask, Ryan and alternates Loxsom, Rawn and Stearns-Ward. Loxsom was appointed to act. Padick read the legal notice as it appeared in the Chronicle on 12-21-10 and 12-29-10 and noted the following communications: a 12-27-10 report from the Director of Planning and a 12-28-10 Report from Dennis O'Brien, Town Attorney.

Wendy Ernst, applicant, explained her reasons for the proposal and discussed her intended use.

Holt expressed concern for noise impact and Ernst responded that outdoor boarding is not an intended use.

Plante added that concerns and conditions could be addressed at the time of the applicant submitting a Special Permit request.

Padick suggested continuing the Public Hearing until 1/18/11 to allow the required legal period of time for WINCOG to respond.

Favretti noted no further comments or questions from the Commission or the public. Holt MOVED, Pociask seconded, to continue the Public Hearing until 1/18/11. MOTION PASSED UNANIMOUSLY.

#### **Zoning Agent's Report:**

Noted.

#### **Old Business:**

##### **1. Discussion/Consideration of Action on Proposed Zoning Regulation Revision, Storrs Center Alliance, LLC/Mansfield Downtown Partnership Inc., applicants, PZC File #1246-5**

Attorney Tom Cody, Robinson & Cole; Andy Graves, BL Companies; Geoff Fitzgerald, BL Companies; Macon Toledano, Storrs Center Alliance; and Howard Kaufman, Leyland Alliance, were present representing the applicant.

Padick reviewed the requested and called particular attention to the withdrawal of the request for an increase in building height. He added that it was also part of the original request of the applicant to put a 50% restriction on the number of residential units in the Regulations, but now due to changes in the size and the relocation of businesses, the 50% restriction will not be necessary. The applicant now requests that the 50% restriction be removed from the Regulations.

After considerable discussion, Ryan MOVED, Loxsom seconded, to approve the amended application of Storrs Center Alliance LLC, and Mansfield Downtown Partnership Inc. (File #1246-5) to revise Mansfield Zoning Regulations, Article VII, Section M.2.n., as submitted to the Commission and heard at a

Public Hearing on December 6, 2010. This action acknowledges that the applicants have withdrawn their original request to also revise Article VIII, Section A, regarding maximum building heights in the PB-2 zone.

A copy of the subject regulation as revised by this approval shall be attached to the minutes of this meeting and this amendment shall be effective as of January 15, 2011.

Reasons for approval include:

1. The approved regulation revision deletes (for mixed use projects in the PB-2 zone) a residential square footage limitation that was incorporated into Mansfield's Zoning Regulations in 2006 along with other proposed revisions at the request of Storrs Center Alliance LLC and the Mansfield Downtown Partnership, Inc. Since 2006, the overall plan for relocating existing commercial businesses has changed and it is no longer considered necessary to locate existing commercial businesses to upper floors of the planned mixed use buildings. The applicant's original reason for proposing this zoning provision in 2006 is no longer applicable. It is noteworthy that the subject 50% residential limitation was not cited in the PZC's reasons for approving the applicant's 2006 requested regulation revisions.
2. The Storrs Center Special Design District zone, which was adopted in 2007, and is immediately adjacent to areas zoned PB-2, does not include any residential square footage requirements or limitations for mixed use buildings. Eliminating the existing residential square footage provision will allow greater flexibility for mixed use developments in areas zoned PB-2.
3. The approved revision is acceptably worded and appropriately coordinated with other provisions of Mansfield's Zoning Regulations. The revision has been found legally acceptable by the Town Attorney.
4. Eliminating the existing residential occupancy provision in the PB-2 zone will promote goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. Mansfield's plan specifically supports mixed use developments in special design districts such as the PB-2 zone and recognizes the need for specialized regulations to implement the Storrs Center Downtown mixed use project. Furthermore, the revision is considered to be consistent with goals and recommendations contained in the 2002 Windham Region Land Use Plan and the 2005-2010 Conservation and Development Policies Plan for Connecticut.

MOTION PASSED with Pociask, Holt, Ryan, Lewis, Loxsom and Favretti in favor and Plante, Goodwin and Hall opposed.

## **2. 8-24 Referral: Proposed Development Agreement for Storrs Center Project**

Matt Hart, Town Manager, distributed and reviewed a 1/4/11 outline, which summarized each section of the Proposed Development Agreement. Dennis O'Brien, Town Attorney, stated that he feels this agreement is very solid and enforceable.

After extensive discussion, Ryan MOVED, Holt seconded, that the Mansfield Planning and Zoning Commission notify the Town Council that the draft Development Agreement for Phases 1A and 1B of the Storrs Center Project, including provisions for municipal ownership and responsibility for new streets, sidewalks, drainage facilities, a new town square, new garage/intermodal center, open space conservation area and other associated improvements, and for a lease regarding areas within the parking garage and a long term agreement regarding certain uses of the Town Square, is consistent with, and promotes goals, objectives and recommendations contained in, Mansfield's Plan of Conservation and Development. Furthermore, the Commission appreciates that the draft agreement appropriately references developer obligations to obtain all required land use permits. It also is noted that the Commission has not reviewed in detail, and therefore not commented on, financial aspects of the agreement, which is the responsibility of the Town Council. MOTION PASSED with Loxsom, Ryan, Holt, Favretti and Pociask in favor and Lewis, Goodwin, Hall and Plante opposed.

**3. 12/1/10 Draft Revisions to the Subdivision Regulations, PZC File #907-34**

Tabled pending 1/18/10 Public Hearing.

**New Business:**

**1. New Special Permit Modification Request, Proposed Commercial/Residential Mixed Use on Dog Lane. Storrs Center Alliance, LLC, applicant, PZC File #1246-3**

Holt MOVED, Ryan seconded, to receive the Special Permit Modification request application (file # 1246-3) submitted by Storrs Center Alliance, LLC and Mansfield Downtown Partnership Inc. for Commercial/Residential Mixed Use on property located Dog Lane in PB-2 Zone owned by the University of Connecticut as shown and described in application submissions, and to refer said application to the staff for review and comments. MOTION PASSED UNANIMOUSLY.

Attorney Tom Cody, Robinson & Cole; Andy Graves, BL Companies; Geoff Fitzgerald, BL Companies; Macon Toledano, Storrs Center Alliance; and Howard Kaufman, Leyland Alliance, were present to review the modification request. Graves presented renderings and plans that depicted proposed changes to the building design and size. Fitzgerald reviewed the changes in parking, number of spaces and the stormwater plans. Chairman Favretti asked that members review the maps distributed in the packet and be prepared to discuss the modification request at the next meeting.

**2. New 3-Lot Re-Subdivision Application (1 New lot), Property on Candide Lane and Stearns Road, J. Listro o/a, File #1296**

Holt MOVED, Hall seconded, to receive the resubdivision application (file # 1296) submitted by John Listro for a 3-lot re-subdivision on property located at Stearns Road and Candide Lane owned by the applicant as shown on plans dated 11/4/10, and as described in other application submissions, and to refer said application to the staff for review and comments and to set a Public Hearing for 2/7/11. MOTION PASSED UNANIMOUSLY.

**3. New Special Permit Application, proposed Sale of Alcoholic Liquor at Randy's Wooster Street Pizza, 1232 Storrs Rd, PZC File #1295**

Holt MOVED, Pociask seconded, to receive the Special Permit application (file #1295) submitted by M & A Pizza Restaurant LLC, for the sale of alcoholic liquor at Randy's Wooster Street Pizza on property located at 1232 Storrs Road (University Plaza) owned by N. and G. Haidous as shown on plans dated 12-20-10 as shown and described in application submissions, and to refer said application to the staff, for review and comments and to set a Public Hearing for 2/7/11. MOTION PASSED UNANIMOUSLY.

**4. 2011/2012 Budget**

Holt MOVED, Pociask seconded, that the Planning and Zoning Commission authorize the Director of Planning to submit to the Town Manager a 2011/2012 proposed budget of \$7,350 for account #111-52100. MOTION PASSED UNANIMOUSLY.

**Reports from Officers and Committees:**

Chairman Favretti noted a 1/12/11 Regulatory Review Committee meeting at 1:15 p.m. and a Field Trip on 1/12/11 at 3:15 p.m. Favretti requested the support of the Commission for him to write a letter to the developers of the proposed Ponde Place requesting them to change the name of the project because it conflicts with the historic name of Mansfield Center which is Ponde Place. Hall MOVED, Plante SECONDED, to authorize the Chairman to write to the developers of Ponde Place requesting that they change the name of their project. MOTION CARRIED UNANIMOUSLY.

**Adjournment:** Chairman Favretti declared the meeting adjourned at 10:28 p.m.

Respectfully submitted,

Katherine Holt, Secretary